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**Subject:** EPA Mid-Atlantic Region Headlines - Tuesday, June 5, 2018

# EPA Mid-Atlantic Region Headlines

## Tuesday, June 5, 2018

### \*\*\* DAILY HOT LIST \*\*\*

#### EPA to deny Delaware's four petitions on upwind state emissions

**DELAWARE PUBLIC MEDIA** The Environmental Protection Agency is poised to deny a handful of petitions submitted by Delaware in 2016 regarding harmful emissions from upwind state power plants. Between July and November 2016, Delaware's Department of Natural Resources and Environmental Control filed four petitions to reduce emissions from upwind state power plants in West Virginia and Pennsylvania. Maryland also filed a similar petition in November 2016. Nearly two years later, the EPA says both states have not shown proof in how neighboring states prevent them from achieving air quality standards under the federal Clean Air Act. "The Agency has concluded that neither Delaware nor Maryland has met their burden to demonstrate that the sources they named emit or would emit ozone forming pollutants at levels that violate the Clean Air Act's good neighbor provision for the 2008 and 2015 ozone standards," the EPA said in a statement. "In addition, EPA's analysis, does not show a violation." Alan Muller, the executive director of the environmental group Green Delaware, said the news is not surprising, given the current political climate. He called it a failure of the EPA to do its job. "Air pollution has real consequences in Delaware and it's extremely unfortunate that EPA is taking the position that it is on these petitions," Muller said. Air pollution is linked to asthma, lung cancer and heart disease, among other things. Being downwind from Pennsylvania and West Virginia power plants, Delaware is at a disadvantage, said Stephanie Herron, the volunteer and outreach coordinator for the Delaware chapter of the Sierra Club. She says it's the EPA's job to step in. "Unfortunately, air pollution does not stop at state lines, so we can't solve this on our own and we need our neighbors to act responsibly," Herron said. State officials say more than 90 percent of Delaware's ozone comes from upwind state emissions. In a statement, Delaware's Senior U.S. Senator Tom Carper referenced New Castle County flunking the American Lung Association's annual State of the Air Report, and said the EPA's mission is to protect the health of the people. "By denying our state, and others, the ability to reduce harmful pollution from upwind states, this EPA is shirking its primary responsibility, ignoring the needs of states and, most importantly, putting the health of Delawareans at risk," Carper said. "This is yet another example of Mr. Pruitt continuing to put the interests of polluters ahead of people." EPA Administrator Scott Pruitt's proposal kicked off a 45-day public comment period on the decision to deny the petitions. The EPA also plans to hold a public hearing in Washington D.C. Delaware Public Media reached out to DNREC for a response, but did not hear back by the time of publication.

#### Maryland, Delaware Riled Over EPA Air Complaints Snub

**BLOOMBERG ENVIRONMENT** Maryland and Delaware may sue the EPA over pollution from upwind out-of-state power plants after the agency shrugged at the states' pleas for help. The Environmental Protection Agency proposed June 1 to deny five petitions the states had filed asking the federal government to impose new pollution controls on power plants in upwind states that Maryland and Delaware had argued were fouling their air. "We will testify in opposition to the proposal and will use all available tools, including litigation," Maryland Environment Secretary Ben Grumbles said in a statement. U.S. Sen. Tom Carper (D-Del.) said the EPA "is shirking its primary

responsibility," ignoring the needs of states, and putting public health at risk. "Delaware is working hard to protect its communities from dirty air, but emissions from other states account for nearly 90 percent of air pollution in the First State," Carper said in a statement. Submitted between July and November 2016, the petitions said the plants violated the Clean Air Act's "good neighbor" provisions, which requires states to ensure that air pollution from within their borders doesn't impinge on downwind states' ability to meet federal limits for pollutants such as ozone. If a state's plan doesn't meet that requirement, the EPA must step in with a suitable plan for addressing the pollution...

## Health concerns arise after report reveals elevated lead levels in Wicomico Co. schools

**WMDT-TV SALISBURY** Salisbury, Md. - Water plays a crucial role in our day to day lives, and that is why recent water testing at some Wicomico County Public Schools is raising concerns. Officials say Fruitland Primary School and East Salisbury Elementary were both found to have water sources that have exceeded the amount of lead deemed safe by the state. "We don't have any idea how long those have been at that benchmark level," said the Wicomico County Superintendent of Schools, Dr. Donna Hanlin. On Monday officials notified parents of the elevated lead levels, but they tell 47 ABC they actually found out about it on May 23rd. They say they had 10 days in which they had to notify parents of the contaminated water. They would not say why they waited until the 10th day to release the information. Officials did say that they shut down the contaminated water sources immediately. "We want to make sure that our students and staff are safe and that we're following law," said Hanlin. The testing is all a part of new state regulations. They have a timeline in which they are required to test all schools drinking outlets for lead levels, the first round including those built before 1988. That deadline is July 1st. "As soon as those regulations were provided to us, we had that guidance of what we were required to do we took immediate action, and we've begun to test all of our schools," said Hanlin. School officials would not comment on the possible health concerns related to ingesting higher levels on lead. In a memo to parents they said, "If you are concerned about lead exposure, contact your local health department or healthcare provider to find out how you can get your child tested for lead." School officials say they will continue to test the water at area schools as mandated by the State; however, they say they are well ahead of the deadlines.

## Exelon, Maryland Still Sparring Over Cleaning Up Conowingo Dam

**BLOOMBERG ENVIRONMENT** Maryland will fight an Exelon Generation Co. lawsuit over requirements that the company help clean up pollution behind the Conowingo Dam in order to renew its operating license. "We will vigorously defend our comprehensive Conowingo plan to restore the health of the Susquehanna River and the Chesapeake Bay," the Maryland Department of the Environment said in a statement June 4 in response to queries by Bloomberg Environment. Exelon sued the state less than a month after Maryland issued a water quality certification with stringent conditions, requiring the dam operator to cut pollutants, install new equipment, and make more room for fish to swim and spawn. The lawsuit is the latest development in a push to address pollution building up behind the Conowingo, which is now flowing into the Chesapeake Bay. Maryland's demand that Exelon clean up decades of accumulated muck to get the permits it needs to keep operating the hydroelectric facility violates the U.S. Constitution and the Clean Water Act, the company said in a complaint filed May 25 in U.S. District Court for the District of Columbia. Exelon is seeking a 50-year federal license renewal for the Conowingo from the Federal Energy Regulatory Commission. As part of the process, Exelon is required to obtain a Clean Water Act Section 401 water quality certification from Maryland. The company argued that most of the nitrogen and phosphorus in the Susquehanna River, which flows into the Chesapeake Bay, comes from agricultural runoff from New York and Pennsylvania, hundreds of miles away, and the stringent requirements in the certificate are out of bounds...

## DNREC wants consent decree for Mountaire Farms

**WILMINGTON NEWS JOURNAL** Delaware environmental regulators are asking a state judge to sign a consent decree to force Mountaire Farms to take a litany of actions to clean groundwater near its Millsboro-area chicken plant. Those include the construction of an upgraded wastewater treatment facility at the plant. The state Department of Natural Resources and Environmental Control filed the request Monday afternoon in Delaware Superior Court. It comes on the heels of accusations that Mountaire's processing plant on Del. 24 bypassed crucial steps in its wastewater treatment process and sprayed water containing chicken waste onto farm fields near homes and

businesses. DNREC, in a Nov. 2 violation notice, said the factory released hundreds of gallons of waste water containing up to 41 times the permitted levels for nitrates and up to 5,500 times the permitted level for fecal coliform. The notice also said Mountaire failed to report crucial data about its activities. In a statement announcing Monday's court action, DNREC noted that it filed a separate lawsuit in U.S. District Court of Delaware claiming Mountaire violated the Clean Water Act and the Resource Conservation and Recovery Act. "During all of 2017, Mountaire applied approximately 2,000,000 gallons of return activated sludge without submitting to DNREC a cropping plan or nutrient calculation for such planned crop as required under the Land Application Permits," the federal complaint claims. In a statement on Monday, Mountaire said the lawsuits and the consent decree "were brought on by an unfortunate upset condition in our Millsboro facility's wastewater treatment plant." "While the worst aspects of the upset condition were brought under control very quickly, our plant is not back to operating at the level we want, and will not be until after both interim corrective measures and long-term system upgrades, in total costing \$60 million, are completed," the company statement said...

## **Cameras to provide constant monitoring of visible air pollution at Mon Valley plants**

**PITTSBURGH POST-GAZETTE** The nose knows the sulfuric "Pittsburgh smell" that still wafts through Monongahela Valley communities and the city's East End, and now the public will be able to see where some of those odors get their start. Carnegie Mellon University's CREATE Lab is expanding the focus of its Breathe Cam network of air pollution-capturing cameras to include three U.S. Steel Corp. facilities in the Mon Valley: the Edgar Thomson Plant in Braddock, the Irvin Plant in West Mifflin and its coke works in Clairton. The cameras, activated Tuesday, will provide 24-hour-a-day monitoring of visible air pollution, and give residents and government agencies an additional way to document smoke, fugitive emissions and other visible air pollution. Randy Sargent, director of Breathe Cam for the CREATE Lab, said the high-resolution cameras were deployed in response to complaints to the SmellPGH app, another CREATE Lab digital tool that allows individuals to document and share bad-odor reports with each other and the Allegheny County Health Department, which regulates local air quality. "Many of the smells being reported appear to emanate from the Mon Valley, based on the report locations, prevailing winds and prevalence of pollution-trapping temperature inversions in the river valley," Mr. Sargent said. "We hope to get a better idea about what is happening by observing three of the valley's largest pollution sources."...

## **Watch: Full interview with EPA Administrator Scott Pruitt**

**ABC-7 WASHINGTON, DC** (Video link) WASHINGTON (Sinclair Broadcast Group) - ... **Boris:** Your time as administrator has seen a lot of successes. It has also seen some controversies. You received some criticism for pay raises for staff, some criticism for the way the taxpayer money is spent. What is your response?

**Pruitt:** Well, look, I care so much about taxpayer money. It's what I've done historically when I served at the state level, it's important that serving this capacity, everyone is a good steward of taxpayer money but these distractions, these issues that we've dealt with, largely it emanated from the great work that we've been doing. In the first year of the Trump administration, \$1 billion in savings with respect to regulatory cost savings, at the same time environmental outcomes are improving. So there's a lot of change taking place at the agency and how we do our work, for the better, and I think that's caused, I knew this would be noisy, I knew it would be competitive, Boris, I knew there would be competition, if you will. And I think some of that is driven, as you put it, by some of the issues you've risen. But, look it's important we respond, I've spent over six hours of testimony with Congress answering those questions, we've provided documentation. We're doing what we need to do there to get beyond it and to focus on the agenda and still getting things done in the midst of it.

**Boris:** Have these controversies impacted the way you do your day-to-day job?

**Pruitt:** No, we've continued to advance. I mean even in the midst of these things, some of the things we'll talk about today. The scientific transparency regulation that we put out. Lots of change with respect to the superfund status that we'll talk about as well, as far as improvements there. So we continue to advance and obviously respond and provide the information that's necessary and it's important that we do so, but as we look forward to the future, we continue to advance the agenda of the president and making sure we achieve the results the American people deserve...

## How Superfund Sites Work

**WEST VIRGINIA PUBLIC BROADCASTING** On this West Virginia Morning, we've heard a series of stories recently about a community in West Virginia, where residents are concerned about toxic waste they say is causing high rates of cancer. Many residents there say they want the Environmental Protection Agency to put their town on the Superfund program's National Priorities List -- or NPL. But resources for the federal program have been dwindling for decades. What does it mean when a community is placed on the NPL? Do contaminated areas get cleaned up? Brittany Patterson visited one site in north-central West Virginia to learn more. Also on today's show, the coal industry in Appalachia has suffered from disruptive competition such as hydraulic fracturing for natural gas. Now, some students in the economically struggling coalfields hope to take part in another disruptive industry: drone aircraft. As part of the Ohio Valley ReSource series Changing Course, Benny Becker explains how building and racing drones could help an aerospace industry take off...

## County farmer touts Bay-friendly conservation

**CHARLOTTESVILLE DAILY PROGRESS** WEYERS CAVE — Bud Shaver's Weyers Cave cattle, poultry and crop farm is a testament to the best agricultural management. Thousands of acres of fenced-in streams keep beef cattle from polluting the Middle River and Riparian buffers planted a decade ago soak up potential runoff that would pollute the river. Keeping the river cleaner means the Chesapeake Bay is healthier because the river is part of the bay watershed. As part of Chesapeake Bay Awareness Week, Shaver hosted elected leaders and conservationists Monday morning at Lucky Charm Farm in Weyers Cave. It was also time to pat one another on the back. The Virginia Department of Environmental Quality recently removed 23 miles of the Middle River from the dirty waters list. Sen. Emmett Hanger, R-Mount Solon, said much progress has been made in the past decade in the fight against pollution of the bay. "This is a passion of mine," said Hanger, who said he was glad to focus on the Chesapeake Bay after a recent contentious budget negotiation that included expansion of Virginia's Medicaid program. Hanger said a \$1 billion investment in Virginia's wastewater treatment plants has contributed to less phosphorous and nitrogen leaving those plants and getting in the watershed. Hanger, a member of the Chesapeake Bay Commission, said the agricultural community in Virginia has also done its part with buffers and fencing that was being shown Monday at Shaver's farm. The Virginia budget, approved last week, also contains \$35 million in funding to help with less bay pollution. Shaver said farmers must be environmentalists first. "If we don't take care of the land, it won't take care of us," he said. He said the buffers and fenced-in land have not only contributed to better health for his 300 cattle, but have fostered new wildlife habitat. That habitat near the Riparian buffers includes birds and deer. Shaver said keeping cattle out of the river has meant he no longer loses calves. "I would have four to five calves a year that drowned," he said...

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# PENNSYLVANIA

## **PHILADELPHIA INQUIRER**

\$90,000 state grant to help study infestation of Chesco mushroom flies On Thanksgiving 2015, Margo Woodacre had to send her family home on empty stomachs. A month later, Barbara and David Runkle were unable to put up their Christmas tree. In the years since, neighbors have worn out vacuum belts, spent untold amounts of money on black lights, and become amateur experts on homeopathic pesticides. All because of a species of fly whose proliferation has stumped researchers. A fly inherently tied to mushrooms, the cash crop that serves as the backbone to Chester County, to the tune of nearly \$400 million in the last fiscal year. Now, thanks to a \$90,000 grant from the state, scientists at the local Pennsylvania State University extension office will embark on a new, experimental method of combating the flies: the hiring of a hybrid researcher/community liaison. "People have moved away. People are selling their homes, taking a loss," said Barbara Runkle, a resident of Harrogate, a retirement community near the Delaware state line in Landenberg. "When it's 'high-fly season,' you can't even turn the lights on. We came here to live our lives, and this is an all-encompassing issue."...

Op-Ed: Prematurely Closing Nuclear Plants In PA Risky Move Pennsylvania today ranks second in the nation for nuclear power generating capacity, owed to a long tradition of nuclear energy leadership and technological innovation. But that

great history – and with it, thousands of good-paying jobs – is now at stake. Currently, two of Pennsylvania’s five nuclear plants are scheduled to close prematurely. Last year, Exelon announced that Three Mile Island near Harrisburg will close in 2019. And just recently, FirstEnergy announced plans to close its Beaver Valley Power Station located near Pittsburgh within the next three years. This can be avoided. The owners of these power plants believe there is a need for public policy changes that will allow these critically important assets to continue operating by fairly valuing the many benefits provided by nuclear energy. And we agree...

## **PITTSBURGH POST-GAZETTE**

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## **PITTSBURGH TRIBUNE REVIEW**

Pittsburgh Offering Free Classes On Disaster Preparedness Pittsburgh residents can learn basic first aid and how to respond to emergencies such as flooding, landslides and lead in drinking water during a series of free classes the city is offering through July. The program, dubbed Prepared Pittsburgh, is part of the city's resilience strategy that addresses such things as diversity, energy waste and natural disasters. Mayor Bill Peduto noted that Pittsburgh was destroyed by fire in the 19th century, experienced chronic flooding in the 20th century and dealt with economic collapse in the 1980s. “We never prepared for those types of shocks, but on a daily basis we see stresses,” he said. “We see stresses that are constant with our water quality, with our air quality. We see stresses that are constant with inequity and inequity among races. We see inequity in health care and access to quality housing, quality education. We have to train the people of our city to be able to attack the stresses and the shocks that will potentially face us.” Prepared Pittsburgh focuses on five topics: climate change, disaster preparedness, community medicine, energy efficiency and water awareness. Michael Roth, 24, of Point Breeze, a member of the Resilience AmeriCorps VISTA program, created the curriculum and will conduct the classes with help from city staffers. The program is funded through a \$25,000 federal grant. Classes are being held at Carnegie Library of Pittsburgh locations in the North Side, Lawrenceville, Woods Run, Knoxville, Hazelwood, Hill District, Brookline, East Liberty, Homewood, Sheraden and Beechview. They run from 30 minutes to an hour.

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# **WASHINGTON, D.C.**

## **WJLA-TV 7 (ABC) WASHINGTON, DC**

Watch: Full interview with EPA Administrator Scott Pruitt (Video link) WASHINGTON (Sinclair Broadcast Group) - ...

**Boris:** Your time as administrator has seen a lot of successes. It has also seen some controversies. You received some criticism for pay raises for staff, some criticism for the way the taxpayer money is spent. What is your response?

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it's important that serving this capacity, everyone is a good steward of taxpayer money but these distractions, these issues that we've dealt with, largely it emanated from the great work that we've been doing. In the first year of the Trump administration, \$1 billion in savings with respect to regulatory cost savings, at the same time environmental outcomes are approving. So there's a lot of change taking place at the agency and how we do our work, for the better, and I think that's caused, I knew this would be noisy, I knew it would be competitive, Boris, I knew there would be competition, if you will. And I think some of that is driven, as you put it, by some of the issues you've risen. But, look it's important we respond, I've spent over six hours of testimony with Congress answering those questions, we've provided documentation. We're doing what we need to do there to get beyond it and to focus on the agenda and still getting things done in the midst of it.

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### **WAMU-RADIO (NPR)**

Here's What DC's New 'Planet Word' Museum In The Franklin School Will Look Like The red brick Franklin School building in downtown D.C. has been, at one point or another, a public school, a homeless shelter, a place for Alexander Graham Bell to test out his inventions, a teacher's college and an Occupy protest site. Now, it's being gutted and reinvented as Planet Word, a museum of language. The building is both a National Historic Landmark and on the National Register of Historic Places, which means the developers have to retain certain elements of architect Adolf Cluss's original 1869 design. Cluss is responsible for many of the city's other red brick historic buildings, including the Smithsonian's Castle and Arts and Industries Building, Eastern Market and the Calvary Baptist Church in Chinatown. The Franklin School was one of the first public school buildings in the city, and gained international acclaim as a model for age-graded classrooms and curricula. The new museum is set to open in December 2019, and there's a lot of work to do before then. At a walk-through for members of the press on Monday, posters with design mockups stood in sharp contrast to the rooms they were set up in (above). Wires hang out of the ceilings, signs taped to the peeling walls warn of asbestos and falling objects, and messages scrawled in permanent marker point to broken glass (below)...

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## **DELAWARE**

### **WILMINGTON NEWS JOURNAL**

DNREC wants consent decree for Mountaire Farms Delaware environmental regulators are asking a state judge to sign a consent decree to force Mountaire Farms to take a litany of actions to clean groundwater near its Millsboro-area chicken plant. Those include the construction of an upgraded wastewater treatment facility at the plant. The state Department of Natural Resources and Environmental Control filed the request Monday afternoon in Delaware Superior Court. It comes on the heels of accusations that Mountaire's processing plant on Del. 24 bypassed crucial steps in its wastewater treatment process and sprayed water containing chicken waste onto farm fields near homes and businesses. DNREC, in a Nov. 2 violation notice, said the factory released hundreds of gallons of waste water containing up to 41 times the permitted levels for nitrates and up to 5,500 times the permitted level for fecal coliform. The notice also said Mountaire failed to report crucial data about its activities. In a statement announcing Monday's court action, DNREC noted that it filed a separate lawsuit in U.S. District Court of Delaware claiming Mountaire violated the Clean Water Act and the Resource Conservation and Recovery Act. "During all of 2017, Mountaire applied approximately 2,000,000 gallons of return activated sludge without submitting to DNREC a cropping plan or nutrient calculation for such planned crop as required under the Land Application Permits," the federal complaint claims. In a statement on Monday, Mountaire said the lawsuits and the consent decree "were brought on by an unfortunate upset condition in our Millsboro facility's wastewater treatment plant." "While the worst aspects of the upset condition were brought under control very quickly, our plant is not back to operating at the level we want, and will not be until after both

interim corrective measures and long-term system upgrades, in total costing \$60 million, are completed," the company statement said...

## **DELAWARE CAPE GAZETTE**

Mountaire agrees to fines in wastewater violations Mountaire Farms of Delaware Inc. has agreed to pay a \$600,000 penalty to the state, which could be reduced if the company provides residents near the Millsboro poultry plant with connections to a private water supply facility or has deeper wells drilled for them in an effort to improve their drinking water. A consent order signed May 31 by Mountaire officials and Department of Natural Resources and Environmental Control Secretary Shawn Garvin gives Mountaire 60 days to improve drinking water for residents who have reported high levels of nitrates in their drinking water. The order awaits a signature from a Superior Court judge before it becomes binding. If improvements are made within 60 days, the pending order states, the penalty will be reduced to \$420,000. The order also requires Mountaire to pay DNREC \$25,000 for the cost to investigate wastewater violations against the plant that began in 2017. Once a judge signs the order, Mountaire would have 10 days to submit a construction permit for a new onsite wastewater treatment facility with an application to complete the facility within two years. The order gives timelines for ongoing improvements that the plant has made following the 2017 failure of its wastewater treatment system. The plant has three months to remove solids from an oxidation ditch; 15 months to remove solids from lagoons; and 18 months to upgrade an offal room...

Boaters, volunteers needed to fight Inland Bays trash pollution June 9 The Delaware Center for the Inland Bays is seeking volunteers and participants with boats for the 13th Annual Inland Bays Clean-Up set for 9 a.m. to 1 p.m., Saturday, June 9, focusing on the shores along Rehoboth and Indian River bays. Last year's event drew 69 volunteers who collected 1,300 pounds of plastic bottles, tires, cans, wrappers, docking lumber and derelict crab pots. Such debris in the Inland Bays can be harmful to bay users and marine life. Although most visitors to the Inland Bays are mindful with their trash, the bay waters still routinely wash up forgotten items, careless litter and storm debris. To register, go to [www.inlandbayscleanup.eventbrite.com](http://www.inlandbayscleanup.eventbrite.com). Advance registration is requested, as a light lunch and a reusable water bottle will be provided to participants. Additional boats are still needed. Location assignments will take place on the day of the event at the launch point: Massey's Landing Public Boat Ramp at the end of Long Neck Road near Millsboro. Volunteers should be prepared for the weather (including cooler, breezy conditions on the water) and should dress for dirty and wet conditions. Work gloves are recommended, and closed-toe shoes are required. Those who have access to lifejackets should bring one, as they are required onboard any boat used during the cleanup. Otherwise, lifejackets will be provided. Each volunteer must sign a waiver that day to participate. This event is not recommended for children under 10, and participants under 18 must be accompanied by a parent or guardian.

## **DELAWARE PUBLIC MEDIA (NPR)**

EPA to deny Delaware's four petitions on upwind state emissions The Environmental Protection Agency is poised to deny a handful of petitions submitted by Delaware in 2016 regarding harmful emissions from upwind state power plants. Between July and November 2016, Delaware's Department of Natural Resources and Environmental Control filed four petitions to reduce emissions from upwind state power plants in West Virginia and Pennsylvania. Maryland also filed a similar petition in November 2016. Nearly two years later, the EPA says both states have not shown proof in how neighboring states prevent them from achieving air quality standards under the federal Clean Air Act. "The Agency has concluded that neither Delaware nor Maryland has met their burden to demonstrate that the sources they named emit or would emit ozone forming pollutants at levels that violate the Clean Air Act's good neighbor provision for the 2008 and 2015 ozone standards," the EPA said in a statement. "In addition, EPA's analysis, does not show a violation." Alan Muller, the executive director of the environmental group Green Delaware, said the news is not surprising, given the current political climate. He called it a failure of the EPA to do its job. "Air pollution has real consequences in Delaware and it's extremely unfortunate that EPA is taking the position that it is on these petitions," Muller said. Air pollution is linked to asthma, lung cancer and heart disease, among other things. Being downwind from Pennsylvania and West Virginia power plants, Delaware is at a disadvantage, said Stephanie Herron, the volunteer and outreach coordinator for the Delaware chapter of the Sierra Club. She says it's the EPA's job to step in. "Unfortunately, air pollution does not stop at state lines, so we can't solve this on our own and we need our neighbors to act responsibly," Herron said. State officials say more than 90 percent of Delaware's ozone comes from upwind state emissions. In a statement, Delaware's Senior U.S. Senator Tom Carper referenced New Castle County flunking the American Lung Association's annual State of



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DNREC, Mountaire Farms entering into settlement State environmental officials have filed a complaint against Mountaire Farms in state Superior Court regarding 2017 wastewater violations, the Delaware Department of Natural Resources and Environmental Control announced Monday. DNREC's complaint to Mountaire requests that the company make short-term and longterm corrections and upgrades to its processing facility. DNREC also wants Mountaire to offer an alternative drinking water supply to affected residents. DNREC wants Delaware Superior Court to approve a settlement in which Mountaire will pay a \$600,000 penalty for the excess amount of contaminated water it applied to agricultural land near its Millsboro facility in 2017. DNREC also requests \$25,000 in investigation expenses. The settlement would allow Mountaire to conduct an environmental offset project, bringing the penalty down to \$420,000. A press release issued by Mountaire Farms indicates Mountaire signed the agreement and will pay the penalty. Mountaire is working to upgrade its treatment plant, which is required by the settlement. The company said in a statement that longterm system upgrades should be completed in two years. Mountaire called the upset condition it experienced in 2017 at its wastewater treatment plant "unfortunate," but the company says it is committed to finishing upgrades at the plant in the next two years. "While the worst aspects of the upset condition were brought under control very quickly, our plant is not back to operating at the level we want, and will not be until after both interim corrective measures and long-term system upgrades, in total costing \$60 million, are completed," Mountaire said. The company added, "Once these system upgrades are complete, we believe our wastewater treatment plant will be the most modern in Sussex County, if not all of Delaware."...

## **MIDDLETOWN TRANSCRIPT**

Carper releases statement on EPA decision to deny reduction of harmful emissions Sen. Tom Carper released a statement June 1 regarding the Environmental Protection Agency's proposal to deny four petitions filed by the State of Delaware to reduce harmful emissions from power plants in upwind states. "The fundamental mission of the EPA is to protect the health of the American people and our environment. By denying our state, and others, the ability to reduce harmful pollution from upwind states, this EPA is shirking its primary responsibility, ignoring the...

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# **WEST VIRGINIA**

## **CHARLESTON GAZETTE-MAIL**

Federal study: Impending tax cut could hurt black lung benefits program A program that offers benefits to coal miners could face a \$15 billion deficit by 2050 due to a decline in coal production and a impending decline in the coal tax rate, according to a government study published Monday. The U.S. Government Accountability Office examined the Black Lung Trust Fund, which paid about \$450 million to coal miners with black lung disease and their dependents — about 25,700 people in all — in fiscal year 2017...

## **WEST VIRGINIA PUBLIC BROADCASTING**

How Superfund Sites Work On this West Virginia Morning, we've heard a series of stories recently about a community in West Virginia, where residents are concerned about toxic waste they say is causing high rates of cancer. Many residents there say they want the Environmental Protection Agency to put their town on the Superfund program's National Priorities List -- or NPL. But resources for the federal program have been dwindling for decades. What does it mean when a community is placed on the NPL? Do contaminated areas get cleaned up? Brittany Patterson visited one site in north-central West Virginia to learn more. Also on today's show, the coal industry in Appalachia has suffered from



disruptive competition such as hydraulic fracturing for natural gas. Now, some students in the economically struggling coalfields hope to take part in another disruptive industry: drone aircraft. As part of the Ohio Valley ReSource series Changing Course, Benny Becker explains how building and racing drones could help an aerospace industry take off...

Roads, Bridges & Culverts Damaged in Morgan County After Weekend Flooding Updated on Monday, June 4, 2018 at 1:45 p.m. Governor Jim Justice declared a state of emergency for a handful of counties in the Eastern Panhandle this weekend due to flooding from heavy rainfall. Berkeley, Jefferson, Morgan, Grant, Hampshire, Hardy, Mineral, and Pendleton counties are under the state of emergency ...President Trump Orders Help For Coal And Nuclear Plants

## **WEST VIRGINIA METRO NEWS**

After flooding comes cleanup in Eastern Panhandle counties MORGAN COUNTY, W.Va. — The focus of emergency officials at county and local levels in West Virginia's Eastern Panhandle was shifting to damage assessment work on Monday after heavy weekend rain that flooded some communities and covered roads. As of Monday, flood warnings from the National Weather Service continued for the Shenandoah River, Potomac River, Cacapon River, South Branch of the Potomac River and Opequon Creek in West Virginia along with other waterways in northern Virginia and Maryland. In Morgan County, the Cacapon River near Great Cacapon reached 16.2 feet early Monday morning — more than seven feet above flood stage. Sunday brought the worst of the rain there. "It was Sunday (morning) into Sunday night," said Dick Myers, director of the Morgan County Office of Homeland Security and Emergency Management. "The rains just kept coming very swift and fast and then, with the already saturated conditions that we've had from the rains of May, there was nowhere for the water to go," Morgan County Sheriff K.C. Bohrer told MetroNews on Monday...

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# MARYLAND

## **SALISBURY DAILY TIMES**

Wicomico County schools taking 'proactive approach' to test water outlets for lead Wicomico County Public Schools is working aggressively to sample and replace all drinking water outlets that test positive for lead by the end of 2018, school officials said. The sampling is to stay in line with the new Maryland regulations issued by the State Department of the Environment, according to a news release. The school system is already underway with testing at Wicomico Early Learning Center, Fruitland Primary School and East Salisbury Elementary as the first subjects. "We take safety of our students and staff with the highest concern," said Bruce Ford, chief operating officer, on Monday. The school system found 104 of the 109 water outlets tested are in compliance with Maryland state regulations, according to a news release. The new State Department of the Environment regulations are a result of recent legislation, Maryland House Bill 270, which became law on June 1, 2017, according to a news release. The law defined a "drinking water outlet" as a water fountain, faucet, or tap that is used or potentially used for drinking or food preparation and ice-making and hot drink machines. Ford said the testing has placed a tight time constraint on the school system as the regulations and the timeline for completion was released in April and all elementary schools and schools built before 1988 must be tested before July 1. Testing also needs to take place while school is in session, he said. During the school system's testing, it was found that five samples exceeded the 20 PPB (parts per billion) lead levels recommended by state regulations. One water outlet was found at Fruitland Primary and four water outlets were found at East Salisbury Elementary exceeding the requirements, according to a news release. According to the EPA, even low levels of lead in the blood can lead to behavior and learning problems, lower IQ and hyperactivity, slowed growth, hearing problems and anemia in children. Rare cases show ingestion of lead can lead to seizures, coma and death, according to the EPA. Wicomico County Public Schools immediately took those water outlets out of service and either replaced or are working to replace them with new water outlets. This will be the routine for any outlet that exceeds state lead levels. It will then be retested. Parents are also notified when water outlets test positive for the elevated level of lead with a parent notification letter. The new Maryland law issued a specific timeline for the initial testing in schools and Wicomico County Public Schools is ahead of schedule on all testing, according to a news release. The timeline is listed below: ...

Ralph Northam, governor, helps volunteers clean the bay in his backyard Gov. Ralph Northam and more than 70 other volunteers, including top Chesapeake Bay Foundation officials and local elected officials, helped pick up trash along the last un-bulkheaded portion of Cape Charles Harbor during the 30th annual Clean the Bay Day on Saturday. "For 30 years, people have been coming out on this first Saturday in June to clean up trash, and right now, more than 6,000 people all over Virginia ... are picking up trash along the waterways," said Will Baker, Chesapeake Bay Foundation president. Baker noted that since 1989, volunteers have picked up more than 6.5 million pounds of trash along more than 7,300 miles of shoreline — "270 garbage trucks full of trash that would have been in the water had it not been picked up," Baker said. The annual event, in addition to ridding waterways of trash, also draws attention to the problem of polluted runoff, he said. Participation in the event "shows that Virginians care about clean water; they are determined to fight for clean water — and the General Assembly and our governor see it that way, too," Baker said. Baker noted the Virginia budget the General Assembly recently approved includes money "to reduce polluted runoff from farms, cities and suburbs" and also, for the first time, money for oyster restoration. "This kind of dedication is just what we need to meet our 2025 goals for a truly clean Chesapeake Bay," Baker said. "This is so important," Northam said, noting "The Chesapeake Bay was literally my backyard, growing up." Northam told his fellow volunteers, "one of the reasons I got into this business of politics or policy making was because I watch, with all of you, the detriment of the Chesapeake Bay over the years, and we need to do everything we can to turn that around." Northam said that while good progress is being made in that direction, "we're not there yet — and so we're out here today, not just to pick up some trash, but also to educate people (about) the importance of this Chesapeake Bay, what a treasure it is for Virginia." He spoke about the importance of the bay's health to the economy, including to watermen, the aquaculture industry, tourism and more. "We've got to restore the health of the bay," he said.

### **WMDT-TV 47 SALISBURY**

Health concerns arise after report reveals elevated lead levels in Wicomico Co. schools Salisbury, Md. - Water plays a crucial role in our day to day lives, and that is why recent water testing at some Wicomico County Public Schools is raising concerns. Officials say Fruitland Primary School and East Salisbury Elementary were both found to have water sources that have exceeded the amount of lead deemed safe by the state. "We don't have any idea how long those have been at that benchmark level," said the Wicomico County Superintendent of Schools, Dr. Donna Hanlin. On Monday officials notified parents of the elevated lead levels, but they tell 47 ABC they actually found out about it on May 23rd. They say they had 10 days in which they had to notify parents of the contaminated water. They would not say why they waited until the 10th day to release the information. Officials did say that they shut down the contaminated water sources immediately. "We want to make sure that our students and staff are safe and that we're following law," said Hanlin. The testing is all a part of new state regulations. They have a timeline in which they are required to test all schools drinking outlets for lead levels, the first round including those built before 1988. That deadline is July 1st. "As soon as those regulations were provided to us, we had that guidance of what we were required to do we took immediate action, and we've begun to test all of our schools," said Hanlin. School officials would not comment on the possible health concerns related to ingesting higher levels on lead. In a memo to parents they said, "If you are concerned about lead exposure, contact your local health department or healthcare provider to find out how you can get your child tested for lead." School officials say they will continue to test the water at area schools as mandated by the State; however, they say they are well ahead of the deadlines.

### **CHESAPEAKE BAY JOURNAL**

PA hatchery a symbol of Bay's shad state of affairs When I pulled up to Pennsylvania's Van Dyke Hatchery one morning in early May, what struck me was how little it had changed. It was still the same plywood building with a tin roof that I had described in a story after my last visit — 28 years ago — as looking "more like something out of the low-rent district than a one-of-a-kind hatchery." It's not exactly one of a kind, but it is one of the few hatcheries that focus almost exclusively on shad. Biologists there still use pretty much the same techniques and often the same equipment — down to a turkey feather to stir eggs — as they did back then. But the goal for which the Pennsylvania Fish and Boat Commission established and operates the hatchery has still not been achieved: returning a shad population to the Susquehanna River. It's not for lack of trying. Since opening in 1976, the hatchery has pumped 281 million tiny shad back into Susquehanna tributaries. Unfortunately, the population hasn't responded as hoped, but that has a lot to do with factors beyond the hatchery's control — most fish passages at dams on the river never worked as well as expected to help fish return to spawning grounds. And it's likely that large numbers are netted as bycatch in the ocean where they

spend much of their lives. Despite that, the hatchery is still responsible for half of the shad found in the river below the Conowingo Dam, the first of four dams that fish encounter during their upstream migration on the Susquehanna.

PA shad hatchery's 42-year run may be coming to an end If you saw this creature in a stream, you'd run for cover. The footlong image on Josh Tryniewski's computer screen had an eerie, transparent body with two large bulging eyes at one end. A strange white sac was hanging underneath. You could find one in a stream, but not easily. It's not a mutant — but an American shad, just hours after hatching. The one on Tryniewski's screen was actually a tiny speck just a few millimeters long, floating in a petri dish and greatly magnified through a microscope. m“This is day zero — just welcomed into the world today, in the comfy confines of a nice blue tank,” said Tryniewski, a fisheries biologist with Pennsylvania's Fish and Boat Commission. The tiny fish was one of roughly 4 million shad expected to be reared this spring in the state's Van Dyke Hatchery. But the shad “fry” projected onto Tryniewski's screen could also be among the last.

Advocates say landslide at Fones Cliffs related to tree clearin A landslide on a historically significant stretch of Fones Cliffs in Virginia has sparked debate over whether a developer's land clearing caused a strip of remaining trees to topple into the water more than 100 feet below. A swath of the cliffs that form the northeast bank of the Rappahannock River near Warsaw sloughed off into the river early last week after several days of rain. The landslide occurred on the edge of a property where more than 13 acres had been cleared of trees in the fall of 2017 without the required environmental protections in place. Some groups argue that the clearing caused the landslide, but regulators say it is difficult to pinpoint an exact cause at a site where several factors contribute to erosion. Conservation organizations have spent more than a decade trying to protect the land along the four-mile stretch of cliffs, which have remained largely undeveloped for 400 years and are home to high concentrations of eagles. When a Richmond County board rezoned the property in 2012 and 2015, they vowed to keep a close eye on a pair of projects whose backers said they would be protective of the environment.

## **EDGEWATER PATCH**

Sewer Line Break Spills Waste In Shady Side SHADY SIDE, MD — About 15,300 gallons of wastewater was spilled in Shady Side when a sewer main broke from external corrosion Sunday night, Anne Arundel County official say. Repairs have been made, although cleanup may continue Monday. Department of Public Works Bureau of Utility Crews repaired a 12-inch sewer force main last night along Columbia Beach Road in Shady Side. Crews were called to the force main break around 7 p.m. Signs alerting the public of the overflow have been posted, and it has been reported to the County Department of Health and the Maryland Department of the Environment. County Health officials warn people coming in contact with the affected ground to immediately wash well with soap and warm water. Clothing should also be washed. The force main break occurred about 900 feet from the bay. The affected area was limed and vacuumed. Any necessary clean up activities will continue on Monday. The wastewater released in the main break did not reach waters of the Chesapeake Bay, but was contained before any wastewater reached the bay, county officials said Monday.

## **CECIL WHIG**

Cardin, Castle celebrate National Trails Day on canal trail CHESAPEAKE CITY — Celebrating the rich history of the two port towns on both sides of the Maryland-Delaware border, U.S. Sen. Ben Cardin (D-Md.) and Michael Castle, a Delaware politician that served the First State for 40 years, spent National Trails Day walking along the Chesapeake Bay on a trail named in their honor. Mike Dixon, a Cecil County historian, led both men and a contingent of staff from the Maryland and Delaware Humanities and Chesapeake City elected officials partway down the 14.3-mile path along the water, explaining the innovation of transportation the C&D Canal was when it opened in 1829.

## **HAGERSTOWN HERALD MAIL**

Garden tours focus on conservation Why just garden when you can garden smart, sustainably and in tune with the environment? Come to the Master Gardeners' first-ever Bay-wise garden tour from 10 a.m. to 3 p.m. Saturday to see conservation landscaping in action. Each of the six Sharpsburg gardens on the tour has been Bay-wise certified by University of Maryland Master Gardeners. That means they exemplify garden practices that support healthy waterways and the Chesapeake Bay. Included in the tour are cottage, woodland, flower and vegetable gardens. Docents will be available at each garden to tell visitors about the Bay-wise practices each showcases...

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# VIRGINIA

## **NORFOLK VIRGINIAN PILOT**

Letter: Taylor's support of farm bill is troubling U.S. REP. SCOTT TAYLOR deserves the accolades he has received for voting to fully fund the Chesapeake Bay program. I called his D.C. office to thank him. However, I wonder why his support of the bay doesn't extend to opposing legislation that would harm it. Last month, Taylor voted for the extremely partisan farm bill, which would have cut conservation funding by nearly \$800 million had it passed. The agricultural programs the Trump administration wanted to eliminate are voluntary conservation programs that are helping about 500,000 farmers across the country improve soils as well as water and air. Keeping sediment, fertilizer and animal waste out of the bay is an essential part of restoring it. Thank goodness 30 Republicans voted against the bill, which helped to kill it. I am asking Taylor to show his conservation chops by opposing any legislation that could harm the bay.

## **DAILY PRESS**

Editorial: Flooded with challenges Hampton Roads residents must learn about rising waters and how to avoid problem areas. As a coastal community, we quickly hear about the dangers of the waterways that nearly surround us. Swimmers must be keenly aware of strong currents and undertow in rivers, the Chesapeake Bay and ocean. During hurricane season — which began Friday — we keep our eye on the tides out of a fear of flooding. When water levels rise, it affects us all. Severe storms plowed through coastal Virginia over the weekend dumping as much as 6 inches of rain on the Interstate 64 corridor between Hampton and Richmond. The rain overloaded our stormwater systems and streams, flooding some roadways that remained closed Monday. Flooding comes in many forms. Whether it is due to approaching tropical storms, a nor'easter or torrential rainfall, rising water is dangerous regardless of the source. Educating yourself about impending weather and location of nearby waterways is key to staying out of danger. Cities must also prioritize flooding projects and create stronger vetting for developments when it comes to stormwater runoff. And state and local officials must fund education programs aimed at warning people about flood waters....

## **AUGUSTA FREE PRESS**

Column: Tangier Island is the Earth It's nice to look down on the poor foolish residents of Tangier Island, a little speck of land sinking into the Chesapeake Bay. Some 87% of the residents who voted in 2016, voted for Trump. The Mayor of Tangier says that being mayor is only his second job; his first is killing some of what remain of the crabs in the Bay. Residents imagine that the U.S. government will save their island from going under by building a wall. They imagine that Trump will make that happen. Yet Trump famously told the mayor on the phone that there was nothing to worry about, that the island is not actually in any danger. Residents of Tangier say that they know what's coming, but that they leave it up to "the Lord." What's likely coming is a sea level that renders Tangier uninhabitable in 20 or 25 years. And those poor ignorant fools say not one word about halting the use of fossil fuels, going vegan, controlling population growth, or ending all the planet-destructive wars. Boy, we sure can despise such backwardness. After all, the rest of Virginia may not be doomed for another 20 or 25 years *after* Tangier...

## **CHARLOTTESVILLE DAILY PROGRESS**

County farmer touts Bay-friendly conservation WEYERS CAVE — Bud Shaver's Weyers Cave cattle, poultry and crop farm is a testament to the best agricultural management. Thousands of acres of fenced-in streams keep beef cattle from polluting the Middle River and Riparian buffers planted a decade ago soak up potential runoff that would pollute the river. Keeping the river cleaner means the Chesapeake Bay is healthier because the river is part of the bay watershed. As part of Chesapeake Bay Awareness Week, Shaver hosted elected leaders and conservationists Monday morning at Lucky Charm Farm in Weyers Cave. It was also time to pat one another on the back. The Virginia Department of Environmental Quality recently removed 23 miles of the Middle River from the dirty waters list. Sen. Emmett Hanger, R-Mount Solon, said much progress has been made in the past decade in the fight against pollution of the bay. "This is a passion of mine," said Hanger, who said he was glad to focus on the Chesapeake Bay after a recent contentious budget negotiation that included expansion of Virginia's Medicaid program. Hanger said a \$1 billion investment in Virginia's wastewater

treatment plants has contributed to less phosphorous and nitrogen leaving those plants and getting in the watershed. Hanger, a member of the Chesapeake Bay Commission, said the agricultural community in Virginia has also done its part with buffers and fencing that was being shown Monday at Shaver's farm. The Virginia budget, approved last week, also contains \$35 million in funding to help with less bay pollution. Shaver said farmers must be environmentalists first. "If we don't take care of the land, it won't take care of us," he said. He said the buffers and fenced-in land have not only contributed to better health for his 300 cattle, but have fostered new wildlife habitat. That habitat near the Riparian buffers includes birds and deer. Shaver said keeping cattle out of the river has meant he no longer loses calves. "I would have four to five calves a year that drowned," he said...

### **WHSV-TV HARRISONBURG**

State senator recognizes Augusta County farm's conservation measures AUGUSTA COUNTY, Va (WHSV) -- This week is Bay Awareness Week, and Virginia Senator Emmett Hanger (R-24th District) was in Augusta County to talk about the Chesapeake Bay. The event was at Lucky Charm Farms in Weyers Cave. The owner of the farm, Bud Shaver, said he helped to make a riparian buffer 10 years ago, which helps to conserve the Middle River. "For the environment, and also for the health of my cattle," Shaver said. "I mean, we were losing four to five calves a year." Shaver has planted 220 trees per acre of land on five acres. Hanger is an advocate for the bay, and he says he is excited for what is happening in the Valley. He announced that 23 miles of the Middle River were de-listed for bacteria and aquatic life. "Very proud and pleased at what we're doing in the Shenandoah Valley," Hanger said, "because what we're demonstrating here is the ability to be conservation minded, clean up our air and water here in the Valley. At the same time, we're growing our agriculture industry, so I'm very proud of it." Hanger also announced that the budget passed in Richmond last week has \$35 million set aside to help with projects like this one. He said they need to focus on storm water upkeep in urban areas, in addition to adding more buffers like the one at Lucky Charm Farms. Officials for the Chesapeake Bay say there is still a lot of work to do for the bay to have a future, but they also say Virginia is ahead in its conservation plan.

### **MARTINSBURG JOURNAL**

Area flooding slowly cresting, but officials issue cautions CHARLES TOWN — Creeks and streams feeding into the Potomac and Shenandoah rivers, already swollen from recent rains, began cresting Monday from additional weekend storms. Meanwhile, rainwater that will continue flowing through regional tributaries is expected to keep area officials on alert for potentially dangerous flooding over the next few days. After Gov. Jim Justice issued a state of emergency Sunday due to flooding for eight northeastern West Virginia counties, the Jefferson and Morgan county commissions followed suit due to cresting flooding conditions in their jurisdictions Monday. Those declarations allow emergency management officials in each county to call up state resources if necessary, explained Brandon Vallee, public relations officer for Jefferson County Homeland Security and Emergency Management. Two West Virginia National Guard teams, in military all-terrain Humvee vehicles, were dispatched to Jefferson County to assist the county's rescue officials, Vallee said. Rescue crews at fire departments in Shepherdstown, Harpers Ferry and Bakerton were put on special alert to possibly assist people near the rivers and those crossing flooded roads. "All of our fire departments are going to contribute if there's a need," Vallee said. No deaths or injuries were reported due to flooding in Jefferson, Morgan and Berkeley counties as of Monday evening, officials said.

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## **MISCELLANEOUS**

### **BLOOMBERG ENVIRONMENT**

Exelon, Maryland Still Sparring Over Cleaning Up Conowingo Dam Maryland will fight an Exelon Generation Co. lawsuit over requirements that the company help clean up pollution behind the Conowingo Dam in order to renew its operating license. "We will vigorously defend our comprehensive Conowingo plan to restore the health of the Susquehanna River and the Chesapeake Bay," the Maryland Department of the Environment said in a statement June 4 in response to queries by Bloomberg Environment. Exelon sued the state less than a month after Maryland issued a water quality certification with stringent conditions, requiring the dam operator to cut pollutants, install new equipment, and make more room for fish to swim and spawn. The lawsuit is the latest development in a push to address pollution building up behind the Conowingo, which is now flowing into the Chesapeake Bay. Maryland's demand that Exelon clean up decades

of accumulated muck to get the permits it needs to keep operating the hydroelectric facility violates the U.S. Constitution and the Clean Water Act, the company said in a complaint filed May 25 in U.S. District Court for the District of Columbia. Exelon is seeking a 50-year federal license renewal for the Conowingo from the Federal Energy Regulatory Commission. As part of the process, Exelon is required to obtain a Clean Water Act Section 401 water quality certification from Maryland. The company argued that most of the nitrogen and phosphorus in the Susquehanna River, which flows into the Chesapeake Bay, comes from agricultural runoff from New York and Pennsylvania, hundreds of miles away, and the stringent requirements in the certificate are out of bounds...

Maryland, Delaware Riled Over EPA Air Complaints Snub Maryland and Delaware may sue the EPA over pollution from upwind out-of-state power plants after the agency shrugged at the states' pleas for help. The Environmental Protection Agency proposed June 1 to deny five petitions the states had filed asking the federal government to impose new pollution controls on power plants in upwind states that Maryland and Delaware had argued were fouling their air. "We will testify in opposition to the proposal and will use all available tools, including litigation," Maryland Environment Secretary Ben Grumbles said in a statement. U.S. Sen. Tom Carper (D-Del.) said the EPA "is shirking its primary responsibility," ignoring the needs of states, and putting public health at risk. "Delaware is working hard to protect its communities from dirty air, but emissions from other states account for nearly 90 percent of air pollution in the First State," Carper said in a statement. Submitted between July and November 2016, the petitions said the plants violated the Clean Air Act's "good neighbor" provisions, which requires states to ensure that air pollution from within their borders doesn't impinge on downwind states' ability to meet federal limits for pollutants such as ozone. If a state's plan doesn't meet that requirement, the EPA must step in with a suitable plan for addressing the pollution...

Chemical, Coal Companies Ramp Up Lobbying on Water Projects Bill Water resources legislation could be one of the last opportunities to fund infrastructure projects during the 115th Congress. The Water Resources Development Act, generally referred to as WRDA, authorizes funds for Army Corps of Engineers ports, levees, and inland waterway projects on a biennial basis. The House is scheduled to take up its version (H.R. 8) as soon as June 6, while the Senate measure (S. 2800) is also ready for floor action. Texas would stand to benefit the most from the new projects authorized by the bill. The House version of the measure, introduced by House Transportation and Infrastructure Chairman Bill Shuster (R-Pa.), would authorize \$2.5 billion in federal funding for seven Army Corps projects, including \$2.16 billion for a hurricane and storm risk reduction project in Texas between Sabine Pass and Galveston Bay, and \$10 million for a channel extension project of the Houston-Galveston navigation channel.

Murray Energy Swaps Debt on Heels of Trump Plan to Boost Coal Murray Energy Corp. said some of its debt holders agreed to refinance a chunk of the company's bonds and loans as the Trump administration makes a new push to buoy the struggling fossil fuel industry.

Pesticide Sector Pushes Fee Renewal as EPA Seeks Fast Approvals Pesticide trade associations continued to urge Congress to reauthorize the EPA's pesticide fee program as the agency highlighted plans to speed the registration of new products by 60 days during a June 4 state pesticide forum. The Environmental Protection Agency outlined plans to speed regulatory decision time frames under the Pesticide Registration Improvement Act (PRIA-4) program, during the State FIFRA Issues Research and Evaluation Group committee meeting. That group promotes dialogue between state agricultural representatives, the EPA, and the Association of American Pesticide Control Officials to resolve pesticide policy implementation challenges...

## **NATIONAL PUBLIC RADIO**

EPA Chief's Latest Ethics Issue: Used Mattress From A Trump Hotel Environmental Protection Agency Administrator Scott Pruitt, already battling roughly a dozen ethics investigations, allegedly asked a top aide to obtain a used mattress from President Trump's Washington, D.C., hotel. Millan Hupp, Pruitt's director of scheduling and advance, told House investigators last month that she couldn't track down the mattress, and didn't know if Pruitt ultimately got one. A spokeswoman for the Trump International Hotel had no comment on any aspect of the story. As Hupp recounted it for the committee staff, "The administrator had spoken with someone at the Trump Hotel who had indicated that there could be a mattress that he could purchase, an old mattress that he could purchase." An investigator allowed, "It sounds like an odd conversation." A transcript of segments of the lengthy interview, released by committee Democrats, quotes Hupp as saying she didn't know why Pruitt wanted the used mattress. But she said the mattress project came when

Pruitt and his wife were apartment hunting, and Hupp was helping them.

## **GREENWIRE**

EPA: Lobbyist tied to Pruitt's condo represented more clients A lobbyist tied to a Capitol Hill condo that EPA Administrator Scott Pruitt rented part of last year had business with the agency on behalf of at least three clients. Steven Hart, the former chairman of Williams & Jensen PLLC, had over the past year represented Smithfield Foods Inc., Coca-Cola Co., and the Financial Oversight and Management Board for Puerto Rico before EPA, according to several amended lobbying disclosure reports filed by the firm Friday. In March, news broke that Pruitt had rented a condo from Hart's wife for \$50 a night for part of 2017, with the subsequent controversy attracting scrutiny from lawmakers and the EPA inspector general. Hart at that time said he didn't lobby the agency. Pruitt, too, has said Hart didn't lobby EPA. "Steve Hart is someone that was not registered as a lobbyist in 2017. He's a longtime associate and friend," said the EPA chief at a Senate hearing last month. The new disclosure forms, first reported on by *The Hill*, show that Hart was involved with several clients with business before EPA throughout 2017. One report lists Hart as lobbying EPA on behalf of Coca-Cola, advocating on issues like clean water and water conservation. Emails released to the Sierra Club under the Freedom of Information Act show that Hart contacted Sydney Hupp, a scheduler for Pruitt, as well as EPA Chief of Staff Ryan Jackson to set up a meeting between the administrator and Muhtar Kent, chairman and then CEO of the beverage giant, as well as Jon Radtke, who handles water sustainability in North America for Coca-Cola. "Basically, if Scot [sic] was going to the awards ceremony, Muhtar was going to pull aside and offer to help you on your water projects," Hart said in the email.

EPA: Pruitt wanted 'old mattress' from Trump Hotel — aide Democrats on the House Oversight and Government Reform Committee released excerpts today of an interview with a top aide to Administrator Scott Pruitt, shedding more light on her housing search on behalf of the embattled EPA chief. In a letter to Chairman Trey Gowdy (R-S.C.), ranking member Elijah Cummings (D-Md.) and Rep. Gerry Connolly (D-Va.) said EPA's Millan Hupp confirmed allegations she helped find a new apartment for Pruitt while revealing "significant new details" on the personal tasks she did for Pruitt, including using his credit card to book his personal flights and trying to secure a used mattress from the Trump International Hotel in Washington. "If Ms. Hupp's statements to the Committee are accurate, Administrator Pruitt crossed a very clear line and must be held accountable," the lawmakers said. "Federal ethics laws prohibit Administrator Pruitt from using his official position for personal gain and from requesting and accepting services from a subordinate employee that are not part of that employee's official duties." Last month, Hupp sat for a transcribed interview with committee staff as part of the panel's investigation into Pruitt's EPA. The administrator's pricey travel, expansive security and other ethics missteps have come under scrutiny from the committee as well as other investigators, including the EPA inspector general.

CLIMATE: EPA ordered to produce records backing Pruitt claims A federal judge Friday ordered EPA to produce documents related to Administrator Scott Pruitt's claims dismissing human activity as a primary contributor to climate change. Chief Judge Beryl Howell of the U.S. District Court for the District of Columbia found that the agency failed to respond to a watchdog group's Freedom of Information Act request seeking the records. "Although more than one year has elapsed since the plaintiffs submitted the FOIA request, EPA has conducted no search for any responsive records, not produced any records to the plaintiff," Howell wrote. At issue: a 2017 interview on CNBC's "Squawk Box" in which Pruitt stated that human activity is not a "primary contributor" to climate change. He also said that "there's tremendous disagreement about the degree of impact" that human activity has on global warming. A day after the March 9 interview aired, Public Employees for Environmental Responsibility filed a FOIA request seeking studies upon which Pruitt based his claim. The group also asked for any EPA scientific finding that human activity is not the largest factor driving global climate change. PEER noted that EPA's own climate change webpage — which the agency has since taken down to update — cited as "basic information" that "humans are largely responsible for recent climate change." EPA argued that the request was overbroad, unduly burdensome and "not a proper request under FOIA," prompting PEER to take the case to court. The agency later argued that the lawsuit was a "trap" and a "fishing expedition" to elucidate Pruitt's "personal opinion" on climate change. But in her opinion Friday, Howell rejected EPA's "excuses for failing to comply" with the FOIA request as "not persuasive." EPA's "hyperbolic objection strays far afield from the actual text" of PEER's request, she wrote.

AIR POLLUTION: EPA signals rejection of bids by Del., Md. for help on smog To Maryland and Delaware, ozone-forming emissions from out-of-state power plants are unneighborly violations of the Clean Air Act. EPA disagrees. Both states



failed to make the case that power plant pollution from beyond their boundaries is undercutting their ability to meet federal ground-level ozone standards, the agency said in a proposed rejection notice quietly posted online Friday. Between them, the two states had filed a total of five petitions in 2016 asking EPA to crack down on upwind emissions from those coal-fired facilities. But in its proposal, EPA said the states "have not met their burden to demonstrate" that the plants' emissions violated the law's "good neighbor" provision. Maryland's analysis of the alleged impact is "technically deficient," the EPA notice said, while Delaware is ultimately expected to meet EPA's latest ozone standard by a 2024 deadline. The tentative denial carries a 45-day public comment period when published in the *Federal Register*. EPA also plans to hold a public hearing on a date to be announced later, according to the notice.

SUPERFUND: N.J. won't seek expedited cleanup for former DuPont site The administration of New Jersey Gov. Phil Murphy (D) does not want Superfund status for a contaminated former DuPont Co. munitions site, a disappointment for nearby residents. "I don't see any advantage in Superfund," Catherine McCabe, acting commissioner of the state Department of Environmental Protection, said last week in an interview. The site "would receive the same level of remediation. There's no need to involve Superfund — there's a polluter who is paying for cleanup." The Chemours Co., a DuPont spinoff, has inherited the site. It has installed mitigation systems in homes affected by a plume of cancer-causing solvents perchloroethylene (PCE) and trichloroethylene (TCE) that has migrated away from the site. Some of the plume is also breaking down slowly through natural processes, McCabe said. "It looks to me, based on the scientific information we have, that the plume is being cleaned up," McCabe said. "As with any natural process, this takes time, but the people living above the plume are protected by the vapor mitigation systems on their homes." But those comments disappointed residents who had lobbied former Gov. Chris Christie (R) for years to make the site open for a Superfund listing.

## **THE INTERCEPT**

Toxic Drinking Water Becomes Top Campaign Issue for Midterm Candidates Across the U.S. There are just over 5,000 people in Rye, New Hampshire. So when Mindi Messmer heard that four of them — all children — had developed an exceedingly rare cancer, she knew something was gravely wrong. Messmer, who had worked as an environmental consultant for 30 years, called Tom Sherman, who was her representative in the state legislature, to discuss what she feared was an environmental crisis. The call was a first step in bringing the cancers — and, along with them, Messmer — into the public eye. That was in 2014. Within two years, the state Department of Health and Human Services acknowledged that the children's illnesses constituted a rare official cancer cluster. Maggie Hassan, who was then governor of New Hampshire, set up a task force to investigate what became known as the Seacoast cluster and asked Messmer to join it. And in May 2016, less than a week before the filing deadline, Sherman, who had decided to run for state Senate, suggested that Messmer run for his seat in the state legislature. "I said, 'What are you crazy?'" remembers Messmer, who was in graduate school and running her own consulting business at the time. But after a week spent mulling both the cancers and a number of worrying pollution hotspots in the district, including a landfill that has been designated a Superfund site, several manufacturing sites, and a military base contaminated with firefighting foam, she decided to run...

## **LAW 360**

PFAS: Not Your Typical Emerging Contaminants — Part 1 (Subscription required) Law360 (May 30, 2018, 12:31 PM EDT) - This article is part one of a two-part series addressing the growing risk posed by perfluoroalkyl or polyfluoroalkyl substances, or PFAS, regulation and litigation throughout the country. Part one analyzes the possible legal consequences for businesses that manufacture, sell or consume PFAS products, or did so in the past. Part two will consider actions those businesses can take now to head off potentially significant legal liabilities. In March, the U.S. Environmental Protection Agency announced that it was convening a National Leadership Summit on May 22 and...